

**COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618**

**CHARLES W. WELCH, III
JUDGE**

March 2, 2010

Ms. Andrea M. Davis
38 Theater Lane
Camden, DE 19934

RE: Hilco Receivables, LLC v. Andrea M. Davis
C.A. No.: CPU5-09-001586

Decision on Motion for Reduction of Garnishment

Dear Ms. Davis:

As you know, the Court heard your Motion for Reduction of Garnishment for the above-referenced matter on February 23, 2010. In your motion and at the hearing, you indicate that the amount being garnished from your wages to pay the judgment for this matter poses a hardship on you. You provided the Court with a monthly budget of your current expenses plus evidence of your net income at the present time. The plaintiff for this matter contests your motion and contends that the Court does not have discretion to decrease the amount of a garnishment. Please be advised that the Court must agree with the plaintiff and hereby denies your motion.

In the case of *Wilmington Trust Company v. Teague*, 2008 WL 4409431, the Superior Court of Delaware held that there is not a legal basis for the reduction of an otherwise lawful garnishment. *Id.* "The garnishment law does not include a hardship exception. Nor does it authorize the court to conduct hearings in order to decide the appropriate amount of garnishments, case-by-case." *Id.* Like the Superior Court in *Wilmington Trust Company v. Teague*, this Court appreciates the fact that you are facing difficult times and you are trying hard to raise your family as a single mother. However, the fact remains that the plaintiff has a judgment against you and is entitled to payment.

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March 1, 2010
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The plaintiff may desire to negotiate a new payment schedule with you. However, there is no legal basis to reduce your garnishment.

IT IS SO ORDERED.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Welch, III". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles W. Welch, III

CWW:mek
pc: Stephen P. Doughty, Esq.